

City of Willoughby Hills

ORDINANCE NO. 2019-70

AN ORDINANCE CONFIRMING THE APPOINTMENT OF JOSEPH DIEMERT AS DIRECTOR OF LAW, DEFINING THE DUTIES AND RESPONSIBILITIES OF THE POSITION OF LAW DIRECTOR AND FIXING THE SALARY AND COMPENSATION FOR SAID POSITION; REPEALING CONFLICTING LEGISLATION AND DECLARING AN EMERGENCY.

WHEREAS, pursuant to Section 4.3 titled “The Department of Law”, Section 4.31, titled “The Law Director” states: “The Department of Law shall be administered by a Law Director, who shall be an attorney-at-law admitted to practice in the State of Ohio, and shall be appointed by the Mayor”; and

WHEREAS, Section 4.32, titled “Duties and Responsibilities” states: “The Law Director shall prepare all contracts, bonds and other instruments in writing in which the Municipality is concerned, and shall serve the several directors and officers of the Municipality as legal counsel and attorney. Such Law Director shall be prosecuting attorney of the Police or Mayor’s Court. Subject to the approval of the Mayor, the Law Director may appoint such assistants as he shall deem necessary”; and

WHEREAS, when required to do so by Resolution of Council, the Law Director shall prosecute or defend on behalf of the Municipality, all complaints, suits, and controversies in which the Municipality is a party, and such other suits, matters and controversies as he is directed to prosecute, by Resolution or Ordinance. He shall not be required to prosecute any action before the Mayor for the violation of an ordinance without first advising such action; and

WHEREAS, to ensure that the Law Director shall serve both the Administrative and Legislative branches of government equally in working towards the best interests of the City of Willoughby Hills, its constituents and businesses, the duties along with the responsibilities, and compensation for said position have been more fully defined hereinafter.

NOW, THEREFORE BE IT ORDAINED BY THE COUNCIL OF THE CITY OF WILLOUGHBY HILLS, COUNTY OF LAKE, STATE OF OHIO THAT:

SECTION 1. The Law Director shall be paid a retainer of \$6,000.00 per month as earnable salary, payable according to city policy. The City shall issue a W-2 for said wages earned pursuant to this section. The term of the Law Director service shall be until January 10, 2020, unless modified by ordinance or other action.

In consideration of such retainer, the Law Director, or his designee, shall:

- (a) Attend all regular meetings of Council and such Special Meetings as Council may request;
- (b) Review routine legislation, contracts and legal documents (subject to modifications hereinafter provided);
- (c) Furnish routine advice to City Officials, Departments, Boards and/or Commissions;
- (d) Subject to the approval of the Mayor, appoint such assistants as the Law Director deems necessary to carry out the duties described herein.

- (e) For the preparation and supervision of the construction and financing of all improvements of the City; services in conjunction with Planning and Zoning; work on the Code of Ordinances of the City; attendance at meetings and hearings of various Boards and Commissions of the City;
- (f) Appearances before the Willoughby Hills Administrative Boards and Tribunals and for any and all litigation;
- (g) For representing the City in prosecution of criminal and traffic cases in the Willoughby Hills Mayor's Court and/or the furnishing of routine legal advice to the City's Police Department, or for representing the City in any matter before the Lake County Court of Appeals relating to or arising from any criminal or traffic case prosecuted in the Willoughby Hills Mayor's Court;
- (h) For time expended on City business by legal assistants on matters identified in this section;
- (i) When required to do so by Resolution of Council, the Law Director shall prosecute or defend on behalf of the Municipality, all complaints, suits, and controversies in which the Municipality is a party, and such other suits, matters and controversies as he is directed to prosecute, by Resolution or Ordinance wherein fees to perform such services will be set by Council.

SECTION 2. The Law Director shall continue to receive compensation described herein, for a period of ending January 10, 2020, unless this Ordinance is modified or upon termination by the City.

SECTION 3. All ordinances or parts thereof in conflict with the provisions of this Ordinance be, and they are hereby repealed as of the effective date of this Ordinance.

SECTION 4. The actions of this Council concerning and relating to the passage of this legislation were conducted in lawful meetings of this Council and that all deliberations of this Council and of any of its Committees that resulted in such formal action were held in compliance with all legal requirements including Chapter 107 of the Codified Ordinances of the City of Willoughby Hills.

SECTION 5. This Ordinance constitutes an emergency measure in that the same provides for the immediate preservation of the public peace, health, safety and welfare of the inhabitants of the City of Willoughby Hills insofar as it provides for the usual daily operation of a Municipal Department and further immediately provides for the salary and compensation of a Law Director; wherefore, this Ordinance shall be in full force and effect from and after its adoption and approval by the Mayor.

PASSED: _____, 2019

Nancy E. Fellows
President of Council

Submitted to the Mayor for his approval
on this _____ day of _____, 2019

Approved by the Mayor

_____, 2019

ATTEST:

Victoria Ann Savage, CMC
Clerk of Council

Robert M. Weger
Mayor